

MINUTES

MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, December 6, 2010

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), M. Beal, J. Goodwin, R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, B. Ryan
Alternates present: K. Rawn, V. Stearns-Ward
Alternates absent: F. Loxsom
Staff Present: Gregory J. Padick, Director of Planning, Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:14 p.m. and appointed Rawn and Stearns-Ward to serve in that order if needed.

Minutes:

11-15-10 - Plante MOVED, Hall seconded, to approve the 11/15/10 minutes as written. MOTION PASSED UNANIMOUSLY. Beal noted that he listened to the recording of the meeting.

Zoning Agent's Report:

Noted.

New Business:

New Application to amend the Zoning Regulations, Article VII, Section P, Uses Permitted in the Planned Business-5 Zone (proposed addition of Veterinary Hospitals) W. Ernst, applicant, PZC File # 1294

Holt MOVED, Hall seconded, to receive the application submitted by Wendy C. Ernst to amend Article VII, Section P.2 of the Mansfield Zoning Regulations, File #1294 regarding the addition of Veterinary Hospitals as a permitted use in the PB-5 zone as submitted to the Commission, to refer said application to the staff and Town Attorney for review and comment and to set a Public Hearing for January 3, 2011. MOTION PASSED UNANIMOUSLY.

Consideration of Cancellation of 12/20/10 Meeting

Plante MOVED, Holt seconded, to cancel the regularly scheduled 12/20/10 PZC meeting. MOTION PASSED UNANIMOUSLY.

Reports of Officers and Committees:

It was noted that the next Regulatory Review Committee meeting has been scheduled for 12/15/10 at 1:15 pm.

Communications and Bills:

Noted.

Old Business:

Draft Revisions to the Subdivision Regulations

Padick referenced his 12/2/10 memo and reviewed the recently incorporated changes to the 12/1/10 draft Subdivision Regulations. He focused on changes related to issues raised at the last Commission meeting. Pociask MOVED, Holt seconded, that the Planning and Zoning Commission schedule a Public Hearing for Tuesday, January 18, 2011, on 12/1/10 draft revisions to various sections of Mansfield's Subdivision Regulations. Furthermore, that the Planning and Zoning Commission refer the proposed revisions to the staff, Town Attorney, Town Council, Conservation Commission, Open Space Preservation Committee, Zoning Board of Appeals, EHHD, WINCOG Regional Planning Commission and abutting towns for review and comment. MOTION PASSED UNANIMOUSLY.

Public Hearing:

Application to Amend Zoning Regulations, Article VII, Section M.2.n (mixed-use projects in the PB-2 Zone) and Article VIII, Section A (footnote #19 of Schedule of Dimensional Requirements) Storrs Center Alliance, LLC and Mansfield Downtown Partnership Inc., Applicants, File #1246-5

Chairman Favretti opened the Public Hearing at 7:35 p.m. Members present were Favretti, Beal, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Rawn and Stearns-Ward. Gregory Padick, Director of Planning, read the Legal Notice as it appeared in the Chronicle on 11/24/10 and 12/1/10 and noted the following communications received and distributed to members of the Commission: a 12-6-10 email from John and Madge Manfred; a 12-6-70 email from Tulay Luciano; a 12-6-10 letter from Quentin Kessel; a 12-5-10 email from Lenore Grunko; a 12-3-10 email from Ruth B. Moynihan; a letter from Dennis O'Brien, Mansfield Town Attorney; a 12-1-10 report from Director of Planning; a 12-1-10 letter from David Morse with two attachments from Education Realty Trust; 11-27-10 Commentary that appeared in the Chronicle written by David Morse; and a 2-1-10 Editorial from the Chronicle submitted by David Morse.

Tom Cody of Robinson & Cole, attorney for Leyland Alliance, and Macon Toledano, V.P. of Leyland Alliance, presented the background on the project and previously approved applications. Cody discussed the proposed regulation amendment to Article VIII, Section M.2.n. to increase the height provisions in a PB-2 zone from 60' to 85' and to change the 50% residential requirement in the mixed use buildings. He noted that they will soon be submitting a request for modification to the Commissions Special Permit approval of the Dog Lane 1 building.

At this time Chairman Favretti asked for questions from the Commission.

Hall raised concern about voting on the regulation revisions without seeing what changes will be made to the proposed Dog Lane building.

Pociask questioned what the square footage of the building will be with the increase in height. Cody responded that the portion of the building in the PB-2 zone will be higher but that there would be no increase in the overall density of the project. Toledano added that there is a capacity cap for the entire project but density may shift in different areas.

Pociask questioned what existing building occupants on the north side of Dog Lane will do once the existing buildings are torn down. Cody responded that the existing medical office has chosen to relocate temporarily during construction, but the existing restaurant has not finalized plans at this time.

Holt questioned whether elevations and renderings were available to help members visualize changes. Toledano responded that the drawings currently are not ready for submission but will be completed in time for the Special Permit modification submissions.

Favretti asked what the proposed uses will be in the Planned Business-2 building. He noted speculation that student housing/dormitory uses were planned. Howard Kauffman, Executive Vice President, Leyland Alliance, responded that their partner, Education Realty Trust (EDR) is planned for a mix of professional staff, empty nesters, singles, families, couples, and graduate students. He noted dormitories are not a permitted use.

Plante noted that upon research on the EDR website there is no mention of general residential housing, only student housing.

At this time Chairman Favretti asked for questions from the public.

Sharry Goldman, 187 Browns Road, related that she supported the original downtown plans but now has concerns particularly regarding student housing. Her concerns are detailed in a 12-5-10 letter.

Bruce Goldman, 187 Browns Road, submitted information from a 2009 Annual Report from Education Realty Trust and questioned why an agency that doesn't work primarily developing student housing was chosen? His concerns are detailed in a submitted letter.

Ida Millman, Sycamore Drive-Glen Ridge, questioned whether this development will be taxable and stated she supported the requested height increase.

Robert Roberge, 32 Woodland Road, asked whether there would be any affordable housing units. Cody responded that none of the units are dedicated as affordable housing.

Ron Kelly, 29 Bundy Lane, expressed opposition to the proposed regulation changes and expressed fear for smaller apartments occupied by undergraduate students. He also noted concerns regarding water supply, the number of changes from original plans, decrease in the size of the Town Green and financial obligations for tax payers. He submitted two letters for the record.

Peter Millman, Dog Lane, expressed support for the project and the proposed regulation changes. He noted that the public has been misinformed and that the EDR home web page states that their work ranges from freshman to graduate, faculty and staff housing. Millman noted the many differences between this project and Celeron Square, and related that it was unfair to compare the two projects.

Martin Sumner, 410 Warrenville Road, stated that he came to Mansfield as a graduate student in 1990 and found an inadequate supply of graduate housing. He liked Storrs Center's original vision of market housing, but expressed concern with the new emphasis on undergraduate student housing. He added that if the proposed change is cost effective, better for business and the transition of the existing businesses, he remains in favor as long as market housing and the "New England Village" design is retained.

Kristin Schwab, 85 Willowbrook Road, noted her agreement with Peter Millman's comments and stated that she is comfortable with the proposed changes. She added that this is a small change for an important project and would ensure consistency with the adjacent zoning design district guidelines.

David Morse, 64 Birchwood Heights, expressed opposition to the project as currently planned and doesn't feel that Education Realty Trust (EDR) is a good partner.

Betty Wassmundt, Old Turnpike Road, expressed opposition to the regulation revision request and any other action that will facilitate the project going forward. She submitted, for the record, three reports regarding EDR.

Bruce Clouette, 483 Woodland Road, member of the Board of Directors of the Downtown Partnership, urged the PZC to address the zoning amendment request that would make the height provision consistent with the neighboring zone. He noted that much of the public testimony had little to do with the request before the PZC.

Stephen Bacon, Wormwood Hill Road, Chair of the Planning and Design Committee and member of the Downtown Partnership, expressed support for the proposed changes and explained that the renderings are not yet completed, but should be available by the time the submittal for the Special Permit modification is submitted in January. He noted that many of the items brought up by the public tonight are not related to the application before the PZC.

Kaufman responded to Commission member's questions regarding the absence of elevation and site plans for the currently proposed 1A building that would extend into the PB-2 zone. He indicated that the applicants did not consider this information necessary for this application, but the information will be available for the next application. He added that E.D.R. will be available for questions at the Town Councils meeting on the Draft Development Agreement that will be held Thursday, December 9, 2010.

Cody noted that questions and comments raised about noise, traffic and other potential impacts have been addressed as part of the Special Permit Application that was previously approved and will be addressed as part of the Special Permit modification.

Noting no further comments or questions from the Commission or Public, Goodwin MOVED, Ryan seconded, to close the Public Hearing at 9:29 p.m.

Chairman Favretti declared a brief recess at 9:29 p.m.
He then reopened the meeting at 9:35 p.m.

Old Business:

Discussion/Consideration of Action on Proposed Regulation Revisions presented at 7:30 Public Hearing, File #1246-5

Favretti began discussion regarding the proposed regulation change and members raised concerns related to: the lack of justification for changing the regulations; that buildings don't need to look uniform and all the same height; and concern that all the buildings could be built at maximum 85 feet in height. Favretti stated that he doesn't feel the intent is to make all the buildings the same. After extensive discussion, Favretti suggested, and it was agreed to by consensus, that the Commission look over the application submissions, the approved design guidelines and the other communications received, and be prepared to discuss the changes further at the January meeting.

Storrs Center Permit Timing:

Padick stated that he expects a Special Permit modification application to be submitted at the January 3rd meeting and anticipates elevation and site plans to be submitted as part of that application.

New Business:

8-24 Referral: Proposed Development Agreement for Storrs Center Project

(Town Council Public Hearing Scheduled for 12/9/10)

The consensus of the PZC was that the Chairman send a letter to the Town Council stating that the PZC needs additional time to review all documents and comments for discussion at the January 3rd meeting and be prepared to then send a letter to the Council with a response to this item.

Adjournment:

Chairman Favretti declared the meeting adjourned at 10:12 p.m.

Respectfully submitted,

Katherine Holt, Secretary